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U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

[Signature]
 DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO DIVISION

LARRY WILLIAMS

Plaintiff,

-v-

SCRIBD, INC, a corporation; GalaxiaMia sued
 As DOE 1; api_user_11797_malvik as Doe 2;
 alukmanto as Doe 3; api_user_11797_
 NEBOJSAJE as Doe 4; mikaj as Doe 5;
 Srikanthbnm sued as Doe 6; api_user_11797_
 Sathis sued as Doe 7; api_user_11797_
 tevado... sued as Doe 8; api_user_11797_
 ingrid...sued as Doe 9; and Does 10 to 40
 are upload infringers to be named;
 Defendants.

CASE NO. **09 CV 1836 LAB** WMC

COMPLAINT FOR
 1) Copyright Infringement;
 2) Conspiracy to Commit
 Copyright Infringement;
 3) Misappropriation of Right of
 Publicity;
 4) Unjust Enrichment;
 AMOUNT IN CONTROVERSY
 EXCEEDS \$50,000.00

JURY TRIAL DEMANDED

Nature of the Action

1. Plaintiff Larry Williams, currently residing in San Diego, California, brings this action to recover damages arising from infringement of his copyrights in his creative and educational works by Defendants, Scribd, Inc. ("Scribd"), and GalaxiaMia sued as Doe 1 pending further identification and Does 2 to 40, whose full names have not yet been determined, and to enjoin Defendants from future infringement. Defendants reproduced,

1 distributed and publicly displayed through the website Scribd.com various works
2 whose copyrights are owned by Plaintiff.

3 Jurisdiction And Venue

4 2. This Court has subject matter jurisdiction over Plaintiff's first two claims relating to
5 copyright infringement and pursuant to 17 U.S.C. § 502, 504 and 505, and 28 U.S.C. §§
6 1331 and 1338(a).

7 3. This Court has supplemental jurisdiction over Plaintiff's third and fourth claims arising
8 under the laws of California pursuant to 28 U.S.C. § 1367(a) because these claims are so
9 related to Plaintiff's claims under Federal Law that they form part of the same case or
10 controversy and derive from a common nucleus of operative fact.

11 4. Jurisdiction over the state law claims is appropriate under principles of pendent
12 jurisdiction because the claims asserted herein arose in part, and the damages were
13 suffered by Plaintiff, at least in part, in this judicial district.

14 5. The Court has personal jurisdiction over Defendants. Defendant Scribd's principle
15 place of business is in California. All Defendants solicit, transact, and are doing business
16 within the State of California and have committed unlawful and tortuous acts both within and
17 outside the State of California causing injury in California. Plaintiff's claims arise out of the
18 conduct that gives rise to personal jurisdiction over Defendants.

19 6. Venue is proper under 28 U.S.C. §1391(b) and 1400(a) because the Plaintiff
20 resides in this district and because two of the named Defendants conduct business in this
21 district.

22 The Parties

23 7. Plaintiff is an individual residing in San Diego, California.

24 8. Plaintiff is the author of many educational texts and conducts seminars known as "Inner
25 Circle Workshops" relating to his market theories and strategies. He is the holder of
26 copyright in the works: Trade Stocks and Commodities With the Insiders: Secrets of the
27 COT Report (registration number TX0006254327); How I Made One Million Dollars Last

1 Year Trading Commodities (registration number TX0000350660); Long-Term Secrets to
2 Short-Term Trading (registration number TX4945747); The Right Stock at the Right Time
3 (registration number TX5814735); The Secret of Selecting Stocks For Immediate and
4 Substantial Gains (registration number TX1788404); Larry Williams Forecast 2009
5 (registration number TX6902069); Day Trade Futures Online By Larry Williams
6 (registration number TX5236386); Day Trade Futures Online (registration number
7 TX0005236386); Definitive Guide to Futures Trading (registration number
8 TX0003120961); Definitive Guide to Futures Trading: Volume II (registration number
9 TX0003138435); Oops! And Scoops! Trading Method (registration number
10 TX0002271277); Presenting Larry R. Williams, "Jason" Commodity Trading Method
11 (registration number TX0002271276); Winning Future Trading Strategy
12 (TX0003121166).

13 9. Plaintiff is the exclusive copyright owner and/or holder of the works listed above.
14 Plaintiff has not authorized Defendants to reproduce his works or to display, sell, and/or
15 distribute them on Scribd.com or anywhere else.

16 10. Defendant Scribd is a corporation organized and existing under the laws of the State
17 of California with a principal place of business in San Francisco, California. Scribd is not an
18 Internet Service Provider as intended by 17 U.S.C. 512; rather, it is a self proclaimed
19 electronically based publishing company. Scribd hosts an internet site that provides its
20 members with access to literary works free of charge. It is the largest "social publishing"
21 company in the world with more than sixty (60) million readers every month. Scribd
22 developed and allows subscribers to utilize a technology called the "iPaper document
23 reader". This technology facilitates the uploading of works by transforming "print" files into a
24 web document. Scribd indexes the web documents for "search engine optimization" and
25 allows users to search for the text of various forms of literary works online. Scribd is
26 supported in large part by commercial entities' purchase of advertising space on the site.

1 Scribd does not provide internet access and could and would not replace an individual's
2 internet service provider to provide any consumer access to the internet. The true legal
3 name of Defendant sued herein as Doe 1 is unknown to Plaintiff. Doe 1 (hereinafter
4 referred to as "GalaxiaMia") uses the pseudonym "GalaxiaMia Guy" when participating in
5 the infringing activity that is the subject of this litigation. Galaxiamia is an individual whose
6 Scribd.com network identity or member name is "Galaxiamia Guy". If necessary, Plaintiff
7 will seek leave to amend this Complaint to state Galaxiamia's true name when ascertained.
8 Galaxiamia has uploaded Plaintiff's copyrighted material to the website Scribd.com on
9 numerous occasions with the intent to share and distribute the material to other users.
10 api_user_11797_malvik as Doe 2; alukmanto as Doe 3; api_user_11797_NEBOJSAJE
11 as Doe 4; mikaj as Doe 5; Srikanthbnm sued as Doe 6; api_user_11797_Sathis sued as
12 Doe 7; api_user_11797_tevado... is sued herein as Doe 8; api_user_11797_ingrid... is
13 sued as Doe 9. Does 10 to 40 are upload infringers to be named when their names are
14 ascertained.

15 11. Defendant Galaxiamia has Defendant Scribd's CEO, Trip Adler, listed as his only
16 friend on the Scribd website. Defendant Scribd had access to and knowledge of the
17 infringing activity of Galaxiamia. Doe Defendants 2 to 40 are uploading infringers who have
18 posted Plaintiff's copyrighted works on the internet without Plaintiff's permission.

19 Facts Common to All Claims

20 12. Each of the works at issue in this action is of high production value and is easily
21 discernable as a professional work.

22 13. Each of the works at issue in this action was either registered to Plaintiff with the United
23 States Copyright Office or had an application for registration pending when the works were
24 uploaded and distributed from Scribd.com. All of the works at issue are currently registered
25 with the United States Copyright Office or have copyrights pending. Each of Plaintiff's
26
27

1 works is marked with a copyright notice and a warning that unauthorized copying is illegal
2 and will be prosecuted.

3 14. Defendant's Scribd and Adler knew or should have known that Plaintiff resides in
4 California and that infringement of his works was likely to cause harm in California.

5 15. At various times, during regular inspections of the Scribd.com website, Plaintiff's
6 friends and employees discovered and documented a number of Plaintiff's copyrighted
7 works being publicly displayed and or distributed by and through the Scribd.com website,
8 owned and operated by Defendant Adler.

9 16. Plaintiff previously sent notice to Scribd, whose website hosted the infringing activity,
10 notifying them of the infringing activity, providing the copyright registration numbers and the
11 specific locations of the copyrighted works on the Scribd website and requesting that the
12 infringing files be removed. The notices sent to Scribd were in compliance with 17 U.S.C.
13 512(c)(3); even though, Scribd is not an ISP entitled to the defense under this Section.
14 Even after numerous notifications of infringing works, Scribd continued to display Plaintiff's
15 work or works through August 25, 2009.

16 17. Plaintiff is informed and believes and based thereon alleges that Scribd removed
17 some of the infringing material only after numerous notices were sent by Plaintiff.
18 However, by the time some of the infringing material was removed from one location on
19 the site, Plaintiff's copyrighted works were posted at another location on the site and
20 available for distribution. During the time between Plaintiff's notifications and some of the
21 takedowns, Plaintiff's works were each downloaded and/or viewed hundreds of times. For
22 example, on Defendant Galaxiamia's Scribd account alone, Plaintiff's books were
23 downloaded and/or viewed between 93 to 301 times each.

24 18. Plaintiff is informed and believes that Defendant Galaxiamia uploaded many of
25 Plaintiff's copyrighted works to Scribd and made them available for distribution.
26
27

19. Plaintiff previously requested through a subpoena the true identity of Defendant Galaxiamia from Defendant Scribd. Plaintiff included the detailed information required by 17 U.S.C. §512 (h) in the Subpoena dated May 12, 2009 issued in Miscellaneous Case NO. 09 MC 0289.

20. Defendants, without authorization, copied, distributed and/or publicly displayed at least seven (7) works owned by and registered to Plaintiff. One work, Forecast 2009, Casting Stones, The Fate of Our Future, was downloaded 271 times and viewed 381 times. The recent work was selling for \$195.00 at the time which equates to \$52,845.00 in lost sales for the downloads only.

FIRST CLAIM FOR RELIEF

(Copyright Infringement – 17 U.S.C. § 502)

21. Plaintiff repeats and incorporates by reference each and every allegation set forth in paragraphs 1 through 21 inclusive.

22. Without authorization, Defendant GalaxiaMia (Doe 1) reproduced and distributed the following works owned and copyrighted by Plaintiff: Larry Williams Forecast 2009; 10 Year Pattern in the U.S. Stock Market; A Classic Larry Williams Trading Pattern; Inner Circle Workshop Notes; The False Break Buy & Sell Pattern; My Million Dollar Stock Market Concept; How to Trade Better.

23. Without authorization, Defendant Scribd, by and through the website Scribd.com, distributed the following works owned and copyrighted by Plaintiff: Larry Williams Forecast 2009; 10 Year Pattern in the U.S. Stock Market; A Classic Larry Williams Trading Pattern; Inner Circle Workshop Notes; The False Break Buy & Sell Pattern; My Million Dollar Stock Market Concept; How to Trade Better.

24. Defendants knew or should have known the infringed works belonged to Plaintiff and that they did not have permission to exploit Plaintiff's works.

1 25. Defendants knew the infringed works belonged to Plaintiff and that they did not have
2 permission to exploit Plaintiff's works.

3 26. Once Plaintiff discovered the infringing activity, Plaintiff's efforts to prevent further
4 infringement of his works by notifying Defendant Scribd were denied and Scribd
5 employed tactics that made is unnecessarily difficult and complicated for Plaintiff to protect
6 his copyrighted works.

7 27. Defendants Scribd, GalaxiaMia's, and the other uploading Defendants' conduct was
8 willful within the meaning of the Copyright Act.

9 28. Defendants induced, caused and materially contributed to the infringing acts of others
10 by encouraging, inducing, allowing and assisting others to reproduce and distribute
11 Plaintiff's works on the Scribd.com website.

12 29. Defendant Scribd had the ability to control the infringing activities of the individuals or
13 entities who directly infringed Plaintiff's works.

14 30. Defendants Scribd and the uploading Defendants obtained a direct financial benefit
15 from the infringing activities of the individuals or entities who directly infringed Plaintiff's
16 works.

17 31. As a result of the wrongful conduct, Defendants are liable to Plaintiff for copyright
18 infringement. Plaintiff has suffered, and will continue to suffer, substantial losses, including
19 but not limited to damage to his business reputation and goodwill.

20 32. Plaintiff is entitled to recover damages, which include Plaintiffs losses and any and all
21 profits Defendants have made as a result of their wrongful conduct. Alternatively, Plaintiff is
22 entitled to statutory damages.

23 33. In addition, because Defendant's' conduct was willful, the award of statutory damages
24 should be enhanced in accordance with 17 U.S.C. §504(c)(2).

25 34. Plaintiff is entitled to recover his attorney's fees and costs of suit pursuant to 17
26 U.S.C. §505.

SECOND CLAIM FOR RELIEF

(Conspiracy to Commit Copyright Infringement)

35. Plaintiff repeats and incorporates by reference each and every allegation set forth in paragraphs 1 through 34, inclusive.

36. Defendant Scribd's CEO, Adler, and Defendant Galaxiamia were listed as friends on Scribd.com when the infringing activity giving rise to this litigation took place.

37. Defendant Adler was listed as Defendant GalaxiaMia's only contact on the Scribd.com website. In order to list another Scribd.com member as a "friend" or contact on the Scribd.com network, a member must receive the express authorization of the requested member to have them listed as a friend.

38. Plaintiff is informed and believes that Defendant Scribd was informed by GalaxiaMia on and through the Scribd.com network of GalaxiaMia's intent to distribute copyrighted material without authorization.

39. Plaintiff is informed and believes that Defendant Adler, either by acquiescing or by express agreement, engaged in, contributed to and caused the infringing activity of Galaxiamia.

40. As a direct and proximate result of Defendant's conduct, Plaintiff has been damaged by lost income in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF

(Misappropriation of the Right of Publicity - Cal. Civ. Code § 3344)

41. Plaintiff repeats and incorporates by reference each and every allegation set forth in paragraphs 1 through 40, inclusive.

42. Plaintiff's copyrighted works, particularly his "Inner Circle Workshops" and market forecasts, offer financial advice in a creative manner. Plaintiff, through his written works and workshop performances, has created a public image of himself and his products.

43. Defendants infringed the rights of publicity owned and controlled by Plaintiff by displaying images of Plaintiff and his works for commercial gain without authorization. Additionally, Defendants upload and publish materials referencing and using Plaintiff's name without Plaintiff's permission. Plaintiff makes his living from selling commodity timing, trading and educational and seminar programs. Defendants have misappropriated Plaintiff's rights to his publications and his name.

44. As a direct and proximate result of Defendant's conduct, Plaintiff has been damaged by lost income in an amount to be determined at trial and is entitled to punitive damages.

FOURTH CLAIM FOR RELIEF

Unjust Enrichment

45. Plaintiff repeats and incorporates by reference each and every allegation set forth in paragraphs 1 through 44, inclusive.

46. Plaintiff's copyrighted works which are the subject of this litigation are sold for prices ranging from \$45.00 to \$195.00 per copy.

47. Plaintiff does not have a contract with any Defendant regarding any of the copyrighted works at issue in this litigation.

48. Defendants Scribd, Galaxiamia and the uploading Defendants knew Plaintiff's works held value and allowed them to be published and distributed on the Scribd.com website.

49. As a result of Defendants' infringing activity, Defendants' received numerous benefits, including but not limited to the attraction of new members and advertisers and the financial gains affiliated with those draws.

50. It would be inequitable for Defendants to receive the benefits of having Plaintiff's copyrighted works published and distributed on Scribd.com without compensation to Plaintiff.

51. As a direct and proximate result of Defendants' conduct, Plaintiff has been damaged by lost income in an amount to be determined at trial.

1 WHEREFORE, Plaintiff demands judgment:

- 2 A. Enjoining Defendants, their agents, servants, employees, and attorneys and all those
3 acting in concert with them from infringing Plaintiff's Copyrights in violation of 17 U.S.C.
4 § 501;
- 5 B. Awarding Plaintiff its damages, Defendants profits, or alternatively, at Plaintiff's election,
6 statutory damages, as a result of Defendants' infringement of Plaintiff's copyrights;
- 7 C. Awarding Plaintiff damages and disgorging Defendants' profits as a result of
8 Defendants' unjust enrichment;
- 9 D. Awarding Plaintiff it's damages, Defendants profits, or alternatively, at Plaintiff's election,
10 statutory damages, as a result of Defendants' misappropriation of Plaintiff's Right of
11 Publicity;
- 12 E. Awarding Plaintiff its costs in this action, including its reasonable attorneys' fees pursuant
13 to 17 U.S.C. § 505;
- 14 F. Awarding Plaintiff punitive damages in an amount to be determined by the trier of fact in
15 this action; and
- 16 G. Granting such other and further relief as this Court sees just and proper.

17
18 DEMAND FOR JURY TRIAL

19 Plaintiff requests trial by jury of all issues triable by jury.

20
21 DATED: 08/25/09

LAW OFFICE OF KURT W. HALLOCK

22
23 By: 

Kurt W. Hallock, Attorney for Plaintiff
Larry Williams

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Larry Williams,

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kurt W. Hallock, Law Office of Kurt Hallock, 110 West C Street,
Suite 1905, San Diego, California 92101, 619-615-0726

DEFENDANTS

Scribd, Inc., et al

09 AUG 25 PM 1:31

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

09 CV 1 836 LAB

WMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 PTF ☐ 1 DEF
Citizen of Another State ☐ 2 PTF ☐ 2 DEF
Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF
Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
Foreign Nation ☐ 6 PTF ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FOREIGN TORT/REMEDY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract					<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability					<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise					<input type="checkbox"/> 890 Other Statutory Actions
					<input type="checkbox"/> 891 Agricultural Acts
					<input type="checkbox"/> 892 Economic Stabilization Act
					<input type="checkbox"/> 893 Environmental Matters
					<input type="checkbox"/> 894 Energy Allocation Act
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
					<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. 502

Brief description of cause:

Internet posting copyright infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 500,000.00 plus punitive damages. CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/25/2009

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

4546

AMOUNT

350

APPLYING IFP

JUDGE

MAG. JUDGE

8/25/09

CR

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS004546
Cashier ID: sramirez
Transaction Date: 08/25/2009
Payer Name: LAW OFFICES OF HALLOCK

CIVIL FILING FEE
For: WILLIAMS V. SCRIBD
Case/Party: D-CAS-3-09-CV-001836-001
Amount: \$350.00

CHECK
Check/Money Order Num: 3575
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.